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H – 942

International Court of Justice

H0942 – 0001

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

13 June 1946

COMMISSIONER:

Col. A.M.S. Neave.

THE SA.

(THE COMMISSION CONVENED AT 1000 HOURS.)

THEOPHIL BURGSTAHLER, a witness, took the stand and testified as follows:

COL. NEAVE: Witness will you stand. Will you raise your right hand and repeat this oath after me. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(THE WITNESS REPEATED THE OATH)

Q. Your full name please.

A. Theophil Burgstahler.

COL. NEAVE: Mr. Boehm, will you give us a short statement of the matters you wish to have this witness bring out.

MR. BOEHM: (Defense Counsel for the SA) The hearing of this witness will require relatively a short period of time only. He is to be heard ~~on~~ for the SA on questions pertaining to religion and race.

COL. NEAVE: And what do you intend to prove with respect to religion and race?

MR. BOEHM: I would like to prove through him that in 1934 a number of members of the SA, wearing SA uniform, and who were individualists of the Jewish faith were baptized by him. I also would like to prove through him that in 1934 a number of members of the Christian Associations joined the SA more or less on the initiative of Christian ministers. Furthermore, I would like the witness to express himself on the general attitude of the SA toward the church. And if it is possible at all Antisemitic attitude of the SA towards the church. I would like the witness to tell us of the high members of the SA criticisms in regard to the church.

COL. NEAVE: I think you should make the first ~~instance~~ point regarding ~~the~~ his personal experiences very short and he should give us a general impression of the attitude of the SA ~~and~~ to the church along the lines you mentioned.

MR. BOEHM: I don't think I'll ask more than fifteen questions.

COL. NEAVE: All right. Go on, will you?

DIRECT EXAMINATION

BY MR. BOEHM:

Q. Were you a member of the Nazi party?

A. No.

Q. Were you a member of the SA?

A. No.

Q. Were you a member of the SS?

A. No.

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Q. Is it correct that you were persecuted for your political beliefs during the Nazi regime?

A. Yes.

Q. For what reasons were you persecuted?

A. I opposed the Nazi party due to its antisemitic attitude, and I did so because I realized that from its antisemitism the road would lead to an Anti-Christian attitude too.

Q. Is it correct that you were the director of the Judenmission, the mission for the conversion of Jews in Berlin?

A. Yes.

Q. Is it true that you were a co-worker of the Swiss Association of the Friends of Israel~~s~~ and founder of the Christian relief committee for Christian non-aliens?

A. Yes.

Q. Since when did you pay attention to the activities of the SA?

A. Approximately since 1930.

Q. And the framework of what kind of work?

A. Since 1924, I was active not only as minister of the church, but also as a ~~writer~~ lecturer and in the course of my lecture tours, I traveled throughout all Germany. I met a large variety of individuals.

Q. Would you know what kind of people joined the SA coming from Christian Associations between the years 1933 to 1935, and what age groups would those individuals come from who consented?

A. Those below the age of 18 were transferred to Hitler Youth and those between 18 and 35 in many cases were transferred to the SA.

Q. Was this measure approved of by the ministers of the Evangelical

Church or did they oppose such a measure?

A. In some parts of Germany, for instance Thuringia, Silesia, Wurttemberg the overwhelming majority of the ministers approved of such transfer, and only a ~~fewx~~ very small fraction opposed it.

Q. Did the joining of the SA necessarily mean the taking out of membership of the Nazi party?

A. No. Many individuals joined the SA just for the purpose of escaping the necessity of becoming members of the Nazi party.

Q. Is it true that Protestant ministers looked upon the SA as a membership organization composed of young people for the purpose of comradship and athletics?

A. Essentially the majority of the ministers were of that opinion.

Q. Did the SA stress national socialist principles to a ~~in the~~ similar extent that ~~as~~ the Nazi party was doing?

A. The philosophical principles of the Nazi party were treated very leniently Not taken very seriously in the SA.

Q. Were there Jewish members of the SA between 1933 and 35?

A. Yes.

Q. Would you/~~say~~ see in the performance of your ministerial duties, Jews in the church in Nazi uniform with the Swastika?

A. In the years 1934 and 1935, I got acquainted with a large number of Jews, among them were members of the SA and of the party, and I saw them attend church services in uniform with the Swastika.

Q. Is it correct that on December 12, 1934, you yourself baptised in a public service in Berlin the Jews, David Abraham, and the same day, Albert Neumann, his wife and his children?

A. That is correct.

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Q. Do you have any material which would prove the correctness of the statements you have made here?

A. There were a number of witnesses of the ceremony one could get a hold of. Above all, the Godfathers which attended the ceremony, and those ceremonies are also registered in the book at Segenskirche Church at Berlin.

Q. Is it true that about the same time you also baptised the Jewish wife of an SA man?

A. Yes.

COL. NEAVE: Wait a minute, Mr. Boehm. Do you think a long ~~discussion~~ description of these baptisms is really relevant?

Mr. BOEHM: I think they ~~xxxxx~~ certainly are.

COL. NEAVE: What is the reason?

MR. BOEHM: Mr. Commissioner, that testimony will not remain an isolated one. There will be more testimony to the same effect.

COL. NEAVE: With regard to these baptisms?

MR. BOEHM: No, but in regard to the attitude which Protestant ministers took towards the Jews - particularly in the performance of their ministerial duties.

COL. NEAVE: ~~Don't~~ Then go ~~in~~ on to that wider ~~a~~ question now.

~~DIRECT EXAMINATION RESUMED.~~

BY MR. BOEHM:

A. Were there at those ceremonies with those SA baptisms, other SA comrades of them present in uniform?

A. There were a number of comrades present. ~~x~~In one instance I do

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remember that one of them wore the SA uniform and other instances I cannot recall, but they wore the SA badge in their lapel.

Q. Was the SA opposed to the church as a religious institute, beginning approximately the end of 1938? Or was there rather an attitude against the church as a political institute?

A. The individual SA man on the basis of what he was told had to believe that he was opposing the church as a political ~~institute~~ institution, and he was not equipped at all to judge the background of that fact.

Q. In this respect were the conditions ~~on the~~ in German lands and all States of Germany the same or were there differences existing in different parts of the country?

A. In the North and in the East of Germany, the oppos~~ers~~ition of those who fought against the church was far more severe than in the South.

Q. Did it ever happen to you between 1933 and the end of the Nazi regime that a layman came to you, complaining to you that his work ~~in~~ along the lines of the SA brought him into conflict of conscience with his religious faith.

A. It did happen during those years that people came to me suffering under the fact that they desired to be good Christians and at the same time ~~some of the~~ members of the Nazi party or of one of its organizations. That happened repeatedly more or less to higher civil servants and members of the SS, but it never happened that a member of the SA came to me with a complaint in all those years.

Q. What kind of conclusion do you draw from that fact?

A. There was less of a philosophical basis for a conflict of conscience for members of the SA than would exist for the members of the SS.

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Q. And what is the basis of that lesser conflict of conscience in the SA?

A. I think the reason is that the philosophical conflict played a much lesser part than the comradeship and the athletics in lines of the SA.

Q. Is it true that your ministry lecturing tours brought you from Riga to Konstanz, from Hamburg to Salzburg and throughout all Germany and even beyond its frontier?

A. It is true that my lecturing activities took me to all kind of places in Germany and even beyond to Vilna, Warsaw, Lodz, and Switzerland.

MR. BOEHM: No further questions.

COL. NEAVE: Thank you, Mr. Boehm. Any cross examination?

CROSS EXAMINATION

BY COL. GRIFFITH JONES:

Q. Witness, you told us that in Northern and Eastern Germany the fight against the church was more than in the South. In what form did that fight take?

A. In Northern Germany people are less church minded than they are in the South and therefore it was possible to induce them in individual cases to become aggressive against their ministers.

Q. And was it the SA that were inducing its members to become aggressive?

A. As far as I know and as far as I experienced the attacks against the church were always initiated by the Gestapo and higher functioners of the party.

Q. I want to ask you about the Gestapo and SS. Why was it members of the SS found conscience difficulties if they wished also to become good Christians?

A. In the SS ~~in~~doctrin~~ate~~e, the members had the idea to reject the church because the church claimed the total personality of the individual a claim which the party or the SS had itself.

Q. It was the policy of the SS, was it not, to diminish the influence of the churches as much as possible?

A. Yes.

Q. What steps did they take to do that?

A. The SS used its membership of the control of those individuals who were considered church minded and it counted on the fear of individuals and therefore used threatsto get people away from the church?

Q. What kind of threatd did it use?

A. In the case of civil servants for instance - one threatened the individuals that they would have disadvantages if they would remain friendly to the church.

Q. In the case of ordinary members of the church?

A. The situation was similar. Any individual in the Gestapo could be threatened that he would have disadvantages from not obeying.

Q. What were the disadvantages that would follow if he remained a key member of the church?

A. He was despised. He was laughted at. In instances he suffered ecpnomic disadvantages and worse of all he was deframed for belonging to the church.

Q. Was that attitude of the SS generally known throughout Germany?

A. I guess the situation was that. Not to me, I hada real insight into the situation. Many instances the insight came too late.

Q. What do you mean, came too late?

A. In many instances, the individuals had allowed themselves to be pushed into a direction of which they realized only too late that it was ~~imxthax~~ not the right direction.

Q. What individuals are you talking about?

A. I think particularly of church minded people in rural areas.

Q. ~~XMXXX~~ It was generally recognized, nevertheless, that the SS were opposed to the churches?

A. Yes.

Q. Was it also the case that the SS were opposed to the Jews?

A. Yes.

Q. In what way did they demonstrate their opposition?

A. By taking opposition in any way possible. In any form possible against the Jews.

Q. Would it be right to say that from the earliest days of the SS, they carried out a persecution of the Jews?

A. I wouldn't say that that had been a strong factor from the very beginning of the SS.

Q. The SS were opposed to the Jews in the same way as the Nazi party was Anti-Semitic from the outset thereof?

A. That is true, but in the beginning there was a merely political theoretical attitude.

Q. And what date would you say that their active persecution commenced?

A. I would say in the course of 1934.

Q. And by persecution I don't mean actual physical persecution, but

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social persecution?

A. Even in the cases of social persecution, I would say that the individual Jew was in a position to fight such persecution without much danger to himself.

Q. I appreciate that. I wasnt so much on the question for how long he could fight as to when he started. Am I not right when I say that social perseuction of the Jews commenced very much earlier than 1934?

A. Of course, one could say that with the sense of power of National Socialism that things started.

Q. Very well. Was it generally known amongst the population that SS were Anti-Semitic?

COL. NEAVE: Wait a minute. ~~Emm~~ Do you think that this cross examination on the SS should continue. Originally this ~~defense counsel~~ witness was going to tell us about the S~~A~~S and the Church. I think we ~~might~~ may have other witnesses for the SS and the Church.

COL. GRIFFITH JONES: With respect, It would be my submission as is always the submission of the persecution right from the beginning of these proceedings that witnesses could be asked questions in cross examination so long as they are directed to organizations as a whole and so long as in the case of organization for which they are called, they are directed as nearly as possible to the particular points upon which they gave.

COL. NEAVE: But he didn't say very much about the SS.

MR. BOEHM: I do not object against cross examination of this witness on

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the SS, but I would like to point out that none of the SS defense counsel are present. I don't think it is fair that the witness~~xx~~ be heard on the SS and have none of the SS present.

COL. NEAVE: You See they have no opportunity to reply.

~~CROSS EXAMINATION RESUMED~~

COL. GRIFFITH JONES:

Q. I'll ask you one further matter in respect to the SA. Would I be right to say that the policy of the SA also was Anti-Semitic?

A. The SA comprised of such a huge membership that it wouldn't be fair to make such a general statement in regard to the SA.

Q. Would it be right to say that policy of the SA Leadership was Anti-Semetic?

A. The SA were National Socialistic of course, Theoretically at least Anti-Semitism was a part of the cause.

~~Qx~~ COL. NEAVE: Any further ~~xx~~ questions?

LT. COMDR. FELTON: I Just have a group of questions.

~~CROSS EXAMINATION RESUMED~~

BY LT. COMDR. FELTON:

Q. Witness, ~~xxx~~ what was the exact date of your entering the party?

A. I Never was a member of the party.

Q. Where did you officiate as a minister of the gospel?

A. For what period of time?

Q. Just tell us where you have officiated as minister and when?

A. In November 1918, I begame an assistant minister in Baden. In 1929 I became a minister in Renda, Lithia, and I lost the position in April, 1934, through a controversy with the Nazi party. I thereupon went to Berlin in May 1934, where I was in charge of the mission for Jews. That activity stopped because all incoming funds were broken and no salary could be paid any longer. I thereupon went to Lodz, Poland. That was the 1st of September 1935. I went to Lodz as a representative of the Swiss Association. My family remained in Berlin because I continued to care for Christian non-aliens. In November 1935, I was expelled from Poland because the German Government had instigated against me and therefore the Polish Government considered me undesirable. I therefore returned to Germany and began a lecture on church things and religious lectures, and I supported the confessing church (Kenntniskirche) In the spring of 1936, the Gestapo prohibited further lectures by me and to earn a livelihood for my family I became a representative for an insurance company and up to 1937, I succeeded to earn adequately in that branch. My insurance company transferred me to Ulm in Wurttemburg, and after staying in Ulm for a certain period of time I became aware that the Gestapo didn't pay any attention to me, and I began to preach again and I preached and lectured as a free minister until shortly before the end of the War when I was called before the Gestapo. I there was interrogated by a gentleman who was very favorably inclined towards me and no difficulties resulted from that new interview of the Gestapo. During all those years I continued to care for church non-aliens and ~~had~~ I did that under the protection of the International Mission Council with headquarters in New York.

Q. That brings you up to date?

A. Since the end of the war I resumed again my lecture tours throughout Germany and passed ~~me~~ through the Military Government at Ulm.

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Q. Did you discontinue your work with the insurance company in 1937?

A. I came to Ulm in 1937 as an agent for the insurance company and worked for the insurance company until October of 1938, but already in the last few months of the activities for the insurance company I had resumed lecturing again.

Q. How did you earn a living from 1938 on?

COL. NEAVE: Do you think we really need go through all this? ~~from~~. You can get it ~~through~~ from the military government questionnaire or ask afterwards. Hasit any relation to the case of the SA?

LT. COMDR. FELT~~NER~~ON: The only thing we want to find out who he is and where he came from and what he has done.

COL. NEAVE: Has ~~it~~ it any relation to his evidence?

LT. COMDR. FELT~~NER~~ON: Until his last two answers. ~~in~~ His connection with the church was rather remote. He was Only an insurance agent. However, he expressed that he lectured on reli~~ef~~gious subjects since 1938.

COL. NEAVE: If it has some relation to his evidence regarding the SA, I agree, but I can't see where it does. I think it might be obtained by other means.

LT. COMDR. FELT~~NER~~ON: The weight of his evidence regarding the SA organization and church in 1936, when he ceased being a minister of the Gospel, is somewhat diminished.

MR. MASE: Please, may I suggest that the translation be made sentence by sentence and not in a summary. The summaries are correct, but nevertheless for the exactness of the proceedings the other method should be applied.

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COL. NEAVE: Yes, of course, the interpretation should be done that way. Can you cut this short as possible?

~~CROSS EXAMINATION RESUMED~~

BY LT. COMDR. FELTNER:

Q. How did you earn a livelihood from 1938?

A. I lectured before churches, church associations, church communities and religious associations, and I received a fee for those lectures.

Q. Just one more questions. Was that from 1938 to 1945?

A. From 1938 to today.

Q. Then going back to these baptisms the witness testified to. Can you give me the exact dates of these baptisms of these Jews?

COL. NEAVE: Wait aminute before the witness answers. I wouldn't allow Mr. Boehm to continue on th~~at~~e subject of these baptisms, because I thought it did not relate to the general question of the relationship of the SA to the church, and therefore I don't think the details of these baptisms should be allowed since I didn't allow the defense to go into it.

LT. COMDR. FELTNER: I'm making a record andI'd like to have a record of these exact dates.

COL. NEAVE: You can ask him the exact dates, but I consider any further discussion on this question irrelevant.

MR. BOEHM: The exact dates are already in the proceedings.

MR. MASE: Only the first.

COL. NEAVE. I believe so. How many baptisms were there?

THE WITNESS; On December 12, 1934, the Jew David Abraham was baptised and the Jew, Albert Neumann and his family. Other

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baptisms of Jewish SA men took place approximately the same time. I do not recall the exact date. I took down the date 12th of December for definite reason. That's why I was able to remember that date

~~DIRECT EXAMINATION RESUMED~~

BY MR. BOEHM:

Q. Only two further questions. You just mentioned that there took place about the same time baptisms of the SA men, butyou refer to the baptism of the Jewish SA men.

A. I was referring to members of the families of SA men. Cases in which the SA man xxxxx himself was a protestant, but his wife and his children were Jewish.

Q. In answer to question you stated before that one could not say that the SA in general was Anti-Semitic, but that it was an organization of National Socialism. Anti-Semitism was coupled with it. I would like to ask whether you have any material to support that statement? Didn'tyou state previously that membership in the Sa did not necessarily mean membership in the Nazi party. We do know that Nazi party was Anti-Semitic.

MR. MASE: Defense Counsel did not permit the witness to answer each question. And every following question is actually a leading question to the answer which he expects.

COL. NEAVE: Let us hear the answer to the first question first.

~~DIRECT EXAMINATION XXXXXXXX RESUMED~~

~~BY MR. BOEHM:~~

A. There belonged to the SA innumberable people from the country who remained simple Christians and they were not at all influenced by the National Socialist teaching which were preached.

Q. Would it, therefore, be correct, if I understand you, to say that the overwhelming majority of the individual members of the Sa could not be considered to have been Anti-Semitic?

A. Yes, that's true, because the overwhelming majority of the individual members of the SA were not requested to engage in any Anti-Semitic activities; therefore, they listened inactively and passively to those things without taking any caution on those lines.

MR. MASE: I wonder if the witness is qualified to answer this question.

COL. NEAVE: He travel~~l~~ed all around Germany, didn't he? Let him go on.

BY MR. BOEHM:

Q. The last question - Wasthe overwhelming majority of the members of the Sa actually in a position to serve as a tool for the spreading of the propaganda and documents of the Nazi party?

A. The overwhelming majority of the members of the SA entirely elect some prerequisite for such activity. They are mostly very simple people who did not care forsuch philosophical matters and who did not have them trained for such activities and they did not care to become active on these lines.

Q. Wasn't it much rather a task of the Politische Leiter to spread propaganda and the ideal~~ity~~s of the National Socialism?

A. That ismy impression, but I cannot examine it and therefore I cannot answer that question.

COL. NEAVE: Will you want Burgstahler to remain at Nurnberg or to go away?

MR. BOEHM: As far as I am concerned he can leave Nurnberg. I cannot decide yet when we shall apply for a renewed hearing before the Tribunal.

COL. NEAVE: Where does he live?

~~Burgstahler in Ulm~~

MR. BOEHM: In Ulm

COL. NEAVE: He is ~~faril~~ fairly easy to obtain.

MR. BOEHM: No, it is ~~not~~ difficult to reach a definite and final answer to your question, Mr. Commissioner. I could give an answer only after we heard all witnesses and after we learned how many witnesses will be heard before the Tribunal.

COL. NEAVE. Well, he can go now from Nurnberg?

MR. BOEHM: Yes.

COL. NEAVE: All right.

(ADJOURNED AT 11:20)

The foregoing is a true and correct transcript of the testimony of THEOPHIL BURGSTAHLER, taken on 13 June 1946.

Bernice Winkler
Reporter (pp. 1 - 17)

CERTIFIED TO:

Lt Col
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

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COLONEL NEAVE: Witness, will you stand. Will you raise your right hand and repeat this oath after me.

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

Q. Your full name please.

A. Theophil Burgstahler.

COLONEL NEAVE: Mr. Boehm, will you give us a short statement of the matter you wish to have this witness bring out.

MR. BOEHM: (Defense Counsel for the SA) The hearing of this witness will require relatively a short period of time only. He is to be heard for the SA on questions pertaining to religion and race.

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COLONEL NEAVE: I think you should make the first point regarding his personal experiences very short and he should give us a general impression of the attitude of the SA to the church along the lines you mentioned.

MR. BOEHM: I don't think I'll ask more than fifteen questions.

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DIRECT EXAMINATION

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Q. Were you a member of the Nazi party ?

A. No.

Q. Were you a member of the SA ?

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Q. Were you a member of the SS ?

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Q. Is it correct that you were persecuted for your political beliefs during the Nazi regime ?

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Q. For what reasons were you persecuted ?

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A Yes.

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COLONEL NEAVE: What is the reason?

MR. BOEHM: Mr. Commissioner, that testimony willnot remain an isolated one. There will be more testimony to the same effect.

COLONEL NEAVE: With regard to these baptisms?

MR. BOEHM: No, but in regard to the attitude which Protestant ministers took towards the Jews- particularly in the performance of their ministerial duties.

COLONEL NEAVE: Then go on to that wider question now.

BY MR. BOEHM:

Q Were there at these ceremonies with these SA baptisms, other SA comrades of them present in uniform?

A There were a number of comrades present. In one instance I do remember that one of them wore the SA uniform and other instances I cannot recall, but they wore the SA badge in their lapel.

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Q What kind of conclusion do you draw from that fact?

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Q And what is the basis of that lesser conflict of conscience in the SA?

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A It is true that my lecturing activities took me to all kinds of places in Germany and even beyond to Vilna, Warsaw, Lodz, and Switzerland.

MR. BOEHM: No further questions.

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CROSS EXAMINATION

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A In Northern Germany people are less church minded than they are in the South and therefore it was possible to induce them in individual cases to become aggressive against their ministers.

Q And was it the SA that were inducing its members to become aggressive?

A As far as I know and as far as I experienced the attacks against the church were always intiated by the Gestapo and higher functionaries of the party.

Q I want to ask you about the Gestapo and SS. Why was it members of the SS found conscience difficulties if they wished also to become good Christians?

A In the SS doctrine, the members had the idea to reject the church because the church claimed the total personality of the individual a claim which the party or the SS had itself.

Q It was the policy of the SS, was it not, to diminish the influence of the churches as much as possible?

A Yes.

Q What steps did they take to do that?

A The SS used its membership of the control of those individuals who were considered church minded and it counted on the fear of individuals and therefore used threats to get people away from the church.

Q What kind of threats did it use?

A In the case of civil servants, for instance -- one threatened the individuals that they would have disadvantages if they would remain friendly to the church.

Q In the case of ordinary members of the church?

A The situation was similar. Any individual in the Gestapo could be threatened that he would have disadvantages from not obeying.

Q What were the disadvantages that would follow if he remained a key member of the church?

A He was despised. He was laughed at. In instances he suffered economic disadvantages and worst of all he was deframed for belonging to the church.

Q Was that attitude of the SS generally known throughout Germany?

A I guess the situation was that. Not to me, I had a real insight into the situation. Many instances the insight came too late.

Q What do you mean, came too late?

A In many instances, the individuals had allowed themselves to be pushed into a direction of which they realized only too late that it was not the right direction.

Q What individuals are you talking about?

A I think particularly of church minded people in rural areas.

Q It was generally recognized, nevertheless, that the SS were opposed to the churches?

A Yes.

Q Was it also the case that the SS were opposed to the Jews?

A Yes.

Q In what way did they demonstrate their opposition?

A By taking opposition in any way possible. In any form possible against the Jews.

Q Would it be right to say thatfrom the earliest days of the SS, they carried out a persecution of the Jews?

A I wouldn't say that that had been a strong factor from the very beginning of the SS.

Q The SS were opposed to the Jews in the same way as the Nazi party was anti-Semitic from the outset thereof?

A That is true, but in the beginning there was a merely political theoretical attitude.

Q And what date would you say that their active persecution commenced?

A I would say in the course of 1934.

Q And by persecution I don't mean actual physical persecution, but social persecution?

A Even in the cases of social persecution, I would say that the individual Jew was in a position to fight such persecution without much danger to himself.

Q I appreciate that. I wasn't so much on the question for how long he could fight as to when he started. Am I not right when I say that social persecution of the Jews commenced very much earlier than 1934?

A Of course, one could say that with the sense of power of National Socialism that things started.

Q Very well. Was it benerally known amongst the population that SS were Anti-Semitic?

COLONEL NEAVE: Wait a minute. Do you think that this cross examination on the SS should continue. Originally this witness was going to tell us about the SA and the Church. I think we may have other witnesses for the SS and the Church.

COLONEL GRIFFITH JONES: With respect, it would be my submission as is always the submission of the prosecution right from the beginning of these proceedings that witnesses could be asked questions in cross examination so long as they are directed to organizations as a whole and so long as in the case of organization for which they are called, they are directed as nearly as possible to the particular points upon which they gave.

COLONEL NEAVE: But he didn't say very much about the SS.

MR. BOEHM: I do not object against cross examination of this witness on the SS, but I would like to point out that none of the SS defense counsel are present. I don't think it is fair that the witness be heard on the SS and have none of the SS present.

COLONEL NEAVE: You see they have no opportunity to reply.

COLONEL GRIFFITH JONES:

Q I'll ask you one further matter in respect to the SA. Would I be right to say that the policy of the SA was also Anti-Semitic?

A The SA comprised of such a huge membership that it wouldn't be fair to make such a general statement in regard to the SA.

Q Would it be right to say that policy of the SA Leadership was Anti-

Semitic?

A The SA was National Socialistic of course. Theoretically at least Anti-Semitism was a part of the cause.

COLONEL NEAVE: Any further questions?

LT. COMDR. FELTON: I just have a group of questions.

BY LT. COMDR. FELTON:

Q Witness, what was the exact date of your entering the party?

A I never was a member of the party.

Q Where did you officiate as a minister of the gospel?

A For what period of time?

Q Just tell us where you have officiated as minister and when?

A In November 1918, I became an assistant minister in Baden. In 1929 I became a minister in Renda, Lithia, and I lost the position in April, 1934, through a controversy with the Nazi Party. I thereupon went to Berlin in May 1934, where I was in charge of the mission for Jews. That activity stopped because all incoming funds were broken and no salary could be paid any longer. I thereupon went to Lodz, Poland. That was the 1st of September 1935. I went to Lodz as a representative of the Swiss Association. My family remained in Berlin because I continued to care for Christian non-aliens. In November 1935, I was expelled from Poland because the German Government had instigated against me and therefore the Polish Government considered me undesirable. I therefore returned to Germany and began a lecture on church things and religious lectures, and I supported the confessing church (Kenntniskirche). In the spring of 1936, the Gestapo prohibited further lectures by me and to earn a livelihood for my family I became a representative for an insurance company and up to 1937, I succeeded to earn adequately in that branch. My insurance company transferred me to Ulm in Wurttemburg, and after staying in Ulm for a certain period of time I became aware that the Gestapo didn't pay any attention to me, and I began to preach again and I preached and lectured as a free minister until shortly before the end of the War when I was called before the Gestapo. I there was interrogated by a gentleman who was very favorably inclined towards me and no difficulties resulted from that new interview of the Gestapo. During all those years I continued to care for church non-aliens and I did that under the protection of the International Mission Council with headquarters in New York.

Q That brings you up to date?

A Since the end of the war I resumed again my lecture tours throughout Germany and passed through the Military Government at Ulm.

Q Did you discontinue your work with the insurance company in 1937?

A I came to Ulm in 1937 as an agent for the insurance company and worked for the insurance company until October of 1938, but already in the last few months of the activities for the insurance company I had resumed lecturing again.

Q How did you earn a living from 1938 on?

COLONEL NEAVE: Do you think we really need go through all this? You can get it from the military government questionaire or ask afterwards. Has it any relation to the case of the SA?

LT. COMMANDER FELTON: The only thing we want to find out who he is and where he came from and what he has done.

COLONEL NEAVE: Has it any relation to his evidence?

LT. COMMANDER FELTON: Until his last two answers. His connection with the church was rather remote. He was only an insurance agent. However, he expressed that he lectured on religious subjects since 1938.

COLONEL NEAVE: If it has some relation to his evidence regarding the SA, I agree, but I can't see where it does. I think it might be obtained by other means.

LT. COMMANDER FELTON: The weight of his evidence regarding the SA organization and church in 1936, when he ceased being a minister of the Gospel is somewhat diminished.

MR. MASS: Please, may I suggest that the translation be made sentence by sentence and not in a summary. The summaries are correct, but nevertheless for the exactness of the proceedings the other method should be applied.

COLONEL NEAVE: Yes, of course, the interpretation should be done that way. Can you cut this short as possible?

BY LT. COMMANDER FELTON:

Q How did you earn a livelihood from 1938?

A I lectured before churches, church associations, church communities and religious associations, and I received a fee for those lectures.

Q Just one more question. Was that from 1938 to 1945?

A From 1938 to today.

Q Then going back to these baptisms the witness testified to. Can you give me the exact dates of these baptisms of those Jews?

COLONEL NEAVE: Wait a minute before the witness answers. I wouldn't allow Mr. Boehm to continue on the subject of these baptisms, because I thought it did not relate to the general question of the relationship of the SA to the church, and therefore I don't think the details of these baptisms should be allowed since I didn't allow the defense to go into it.

LT. COMMANDER FELTON: I'm making a record and I'd like to have a record of these exact dates.

COLONEL NEAVE: You can ask him the exact dates, but I consider any further discussion on this question irrelevant.

MR. BOEHM: The exact dates are already in the proceedings.

MR. MASE: Only the first.

COLONEL NEAVE: I believe so. How many baptisms were there?

THE WITNESS: On December 12, 1934, the Jew David Abraham was baptised and the Jew, Albert Neumann and his family. Other baptisms of Jewish SA men took place approximately the same time. I do not recall the exact date. I took down the date 12th of December for definite reason. That's why I was able to remember that date.

BY MR. BOEHM:

Q Only for further questions. You just mentioned that there took place about the same time baptisms of the SA men, but you refer to the baptism of the Jewish SA men.

A I was referring to members of the families of SA men. Cases in which the SA man himself was a protestant, but his wife and his children were Jewish.

Q In answer to question you stated before that one could not say that the SA in general was Anti-Semitic, but that it was an organization of National Socialism. Anti-Semitism was coupled with it. I would like to ask whether you have any material to support that statement? Didn't you state previously that membership in the SA did not necessarily mean membership in the Nazi party. We do know that Nazi party was Anti-Semitic.

MR. MASE: Defense Counsel did not permit the witness to answer each question. And every following question is actually a leading question to the answer which he expects.

COLONEL NEAVE: Let us hear the answer to the first question first.

BY MR. BOEHM:

A There belonged to the SA innumberable people from the country who remained simple Christians and they were not at all influenced by the National Socialist teaching which were preached.

Q Would it, therefore, be correct, if I understand you, to say that the overwhelming majority of the individual members of the SA could not be considered to have been Anti-Semitic ?

A Yes, that's true, because the overwhelming majority of the individual members of the SA were not requested to engage in any Anti-Semitic activities; therefore, they listened inactively and passively to those things without taking any caution on those lines.

MR. MASE : I wonder if the witness is qualified to answer this question.

COL. NEAVE : He travelled all around Germany, didn't he ? Let him go on.

BY MR. BOEHM :

Q The last question - Was the overwhelming majority of the members of the SA actually in a position to serve as a tool for the spreading of the propaganda and documents of the Nazi party ?

A The overwhelming majority of the members of the SA entirely elect some prerequisite for such activity. They are mostly very simple people who did not care for such philosophical matters and who did not have them trained for such activities and they did not care to become active on these lines.

Q Wasn't it much rather a task of the Politische Leiter to spread propaganda and the ideals of the National Socialism ?

A That is my impression, but I cannot examine it and therefore I cannot answer that question.

COL NEAVE : Will you want Burgstahler to remain at Nurberg. or to go away ?

MR. BOEHM : As far as I am concerned he can leave Nurnberg. I cannot decide yet when we shall apply for a renewed hearing before the Tribunal.

COL. NEAVE : Where does he live ?

MR. BOEHM : In Ulm

COL. NEAVE : He is fairly easy to obtain.

MR. BOEHM : No, it is difficult to reach a definite and final answer to your question, Mr. Commissioner. I could give an answer only after we heard all witnesses and after we learned how many witnesses will be heard before the Tribunal.

COL. NEAVE : Well, he can go now from Nurnberg ?

MR. BOEHM : Yes.

COL. NEAVE : All right.

(ADJOURNED AT 11:20)

The foregoing is a true and correct transcript of the testimony of THEOPHIL BURGSTAHLER, taken on 13 June 1946.

Bernice Winkler
Reporter

CERTIFIED TO :

A.M.S. Neave Lt. Col.
Commissioner